

IC 5-2-12

Chapter 12. Sex Offender Registration

IC 5-2-12-1

"Correctional facility" defined

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

As added by P.L.11-1994, SEC.7.

IC 5-2-12-2

"Institute" defined

Sec. 2. As used in this chapter, "institute" means the Indiana criminal justice institute established under IC 5-2-6.

As added by P.L.11-1994, SEC.7.

IC 5-2-12-3

"Local law enforcement authority" defined

Sec. 3. As used in this chapter, "local law enforcement authority" means the chief of police of a municipality or the sheriff of a county in Indiana.

As added by P.L.11-1994, SEC.7.

IC 5-2-12-3.5

"Registration form" defined

Sec. 3.5. As used in this chapter, "registration form" means:

- (1) a form approved or prescribed by the institute; or
- (2) a form not approved or prescribed by the institute that:
 - (A) contains information required by the institute; and
 - (B) is completed in a manner approved or prescribed by the institute.

As added by P.L.116-2002, SEC.7.

IC 5-2-12-4

"Offender" defined

Sec. 4. (a) As used in this chapter, "offender" means a person convicted of any of the following sex and violent offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less

than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)) if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

(14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13).

(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes a child who has committed a delinquent act and who:

(1) is at least fourteen (14) years of age;

(2) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(3) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

As added by P.L.11-1994, SEC.7. Amended by P.L.63-1995, SEC.1; P.L.33-1996, SEC.2; P.L.36-1997, SEC.6; P.L.56-1998, SEC.6; P.L.238-2001, SEC.4; P.L.116-2002, SEC.8; P.L.51-2005, SEC.1.

IC 5-2-12-4.5

"Sexually violent predator" defined

Sec. 4.5. As used in this chapter, "sexually violent predator" means an individual who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in section 4 of this chapter.

As added by P.L.56-1998, SEC.7.

IC 5-2-12-5

Sex offenders who must register

Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter:

(1) An offender who resides in Indiana. An offender resides in Indiana if either of the following applies:

(A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The offender owns real property in Indiana and returns to Indiana at any time.

(2) An offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period of time:

(A) exceeding fourteen (14) consecutive days; or

(B) for an aggregate period of time exceeding thirty (30) days;

during any calendar year in Indiana, whether the offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) An offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), an offender who resides in Indiana shall register with the sheriff of the county where the offender resides. If an offender resides in more than one (1) county, the offender shall register with the sheriff of each county in which the offender resides. However, if an offender resides in a county having a consolidated city, the offender shall register with the police chief of the consolidated city.

(c) An offender described in subsection (a)(2) shall register with the sheriff of the county where the offender is or intends to be employed or carry on a vocation. However, an offender described in subsection (a)(2) who is employed or intends to be employed or to carry on a vocation in a consolidated city shall register with the police chief of the consolidated city. If an offender is or intends to be employed or carry on a vocation in more than one (1) county, the offender shall register with the sheriff of each county. However, if an offender is employed or intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county.

(d) An offender described in subsection (a)(3) shall register with the sheriff of the county where the offender is enrolled or intends to be enrolled as a student. However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(f) An offender shall complete a registration form. Each sheriff or police chief of a consolidated city shall make the registration forms available to registrants.

(g) The offender shall register not more than seven (7) days after the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;

(6) is placed on probation;
(7) is placed on home detention; or
(8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);
whichever occurs first.

(h) Whenever an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

- (1) forward a copy of the new registration form to the:
 - (A) institute; and
 - (B) department of correction if the department has established an automated victim notification system under IC 11-8-7; and
- (2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

As added by P.L.11-1994, SEC.7. Amended by P.L.63-1995, SEC.2; P.L.33-1996, SEC.3; P.L.56-1998, SEC.8; P.L.238-2001, SEC.5; P.L.116-2002, SEC.9; P.L.55-2003, SEC.1; P.L.64-2005, SEC.3.

IC 5-2-12-6

Registration information required

Sec. 6. The registration required under this chapter must include the following information:

- (1) The offender's full name, alias, any name by which the offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, Social Security number, driver's license number, and home address.
- (2) A description of the offense for which the sex and violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 5(a)(2) or 5(a)(3) of this chapter, the name and address of each of the offender's employers in Indiana, the name and address of each campus or location where the offender is enrolled in school in Indiana, and the address where the offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the offender.
- (5) Any other information required by the institute.

As added by P.L.11-1994, SEC.7. Amended by P.L.238-2001, SEC.6; P.L.116-2002, SEC.10.

IC 5-2-12-7

Duties of facility officials; release or parole of offender

Sec. 7. (a) Not more than fourteen (14) days before an Indiana offender who is required to register under this chapter is scheduled to be released from a correctional facility, transferred to a community transition or community corrections program, transferred to the jurisdiction of a sentencing court or probation office for a term of probation after being confined in a facility, released from any other penal facility (as defined in IC 35-41-1-21), released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

- (1) Orally inform the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender was orally informed or, if the offender refuses to sign the statement, certify that the offender was orally informed of the duty to register.
- (2) Deliver a registration form advising the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender received the written notice or, if the offender refuses to sign the statement, certify that the offender was given the written notice of the duty to register.
- (3) Obtain the address where the offender expects to reside after the offender's release.
- (4) Inform in writing on a form or in the form prescribed or approved by the institute the sheriff having jurisdiction in the county or the police chief having jurisdiction in the consolidated city where the offender expects to reside of the

offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the offender.

(b) Not more than three (3) days after an offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The offender's fingerprints, photograph, and identification factors.

(2) The address where the offender expects to reside after the offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the offender.

(4) Information regarding the offender's past treatment for mental disorders.

(5) Information as to whether the offender has been determined to be a sexually violent predator.

(c) This subsection applies if an offender is placed on probation or in a community corrections program without confining the offender in a penal facility. The probation office serving the court in which the sex and violent offender is sentenced shall perform the duties required under subsections (a) and (b).

As added by P.L.11-1994, SEC.7. Amended by P.L.56-1998, SEC.9; P.L.238-2001, SEC.7; P.L.116-2002, SEC.11; P.L.2-2003, SEC.20.

IC 5-2-12-7.5

Sending fingerprints to FBI

Sec. 7.5. Notwithstanding any other law, upon receiving an offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

As added by P.L.56-1998, SEC.10.

IC 5-2-12-8

Verification of offender's current residence, employment, or vocation

Sec. 8. (a) If an offender who is required to register under this chapter changes:

(1) home address; or

(2) if section 5(a)(2) or 5(a)(3) of this chapter applies, the place where the offender stays in Indiana;

the offender shall complete and submit a new registration form not more than seven (7) days after the address change to the sheriff or the police chief with whom the offender last registered.

(b) If the offender moves to a new county in Indiana, the sheriff or the police chief referred to in subsection (a) shall inform the sheriff in the new county or the police chief of the consolidated city, if the county has a consolidated city, in Indiana of the offender's residence by forwarding to the sheriff or the police chief in the new

county a copy of the registration form. The sheriff or the police chief receiving the notice under this subsection shall verify the address of the offender under section 8.5 of this chapter within seven (7) days after receiving the notice.

(c) If an offender who is required to register under section 5(a)(2) or 5(a)(3) of this chapter changes the offender's principal place of employment, principal place of vocation, or campus or location where the offender is enrolled in school, the offender shall submit a new registration form not more than seven (7) days after the change to the sheriff or the police chief of a consolidated city with whom the offender last registered.

(d) If an offender moves the offender's place of employment, vocation, or enrollment to a new county in Indiana, the sheriff or the police chief of a consolidated city referred to in subsection (c) shall inform the sheriff in the new county in Indiana or the police chief of the consolidated city, if the county has a consolidated city, of the offender's new principal place of employment, vocation, or enrollment by forwarding a copy of the registration form to the sheriff or the police chief of the consolidated city in the new county.

(e) If an offender moves the offender's residence, place of employment, or enrollment to a new state, the sheriff or the police chief of the consolidated city shall inform the state police in the new state of the offender's new place of residence, employment, or enrollment.

(f) A sheriff or police chief of a consolidated city shall make the forms required under this section available to registrants.

(g) A sheriff or police chief of a consolidated city who is notified of a change under subsection (a) or (c) shall immediately notify the institute of the change by forwarding a copy of the registration form to the institute.

As added by P.L. 11-1994, SEC. 7. Amended by P.L. 238-2001, SEC. 8; P.L. 116-2002, SEC. 12.

IC 5-2-12-8.5

Verification of offender's current residence

Sec. 8.5. (a) To verify an offender's current residence, the sheriff (or the police chief of a consolidated city) shall do the following:

(1) Mail each offender a registration form to the offender's listed address at least one (1) time per year, beginning seven (7) days after the sheriff (or the police chief of a consolidated city) receives a notice under section 14 of this chapter or the date the offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(2) Mail a registration form to each offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the sheriff (or the police chief of a consolidated city) receives a notice under section 14 of this chapter or the date the offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If an offender fails to return a signed registration form either by mail or in person, the sheriff (or the police chief of a consolidated city) shall immediately notify the institute and the prosecuting attorney.

As added by P.L.56-1998, SEC.11. Amended by P.L.238-2001, SEC.9; P.L.116-2002, SEC.13.

IC 5-2-12-8.6

Change of name of offender

Sec. 8.6. (a) An offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If an offender who is required to register under this chapter changes the offender's name due to marriage, the offender must notify the county sheriff (or the police chief of a consolidated city) by completing a registration form not more than thirty (30) days after the name change.

As added by P.L.56-1998, SEC.12. Amended by P.L.1-1999, SEC.5; P.L.238-2001, SEC.10; P.L.116-2002, SEC.14.

IC 5-2-12-9

Failure to register

Sec. 9. An offender who knowingly or intentionally:

- (1) fails to register under this chapter; or
- (2) fails to complete and submit a new registration form as required under section 8(a) of this chapter;

commits a Class D felony. However, the offense is a Class C felony if the offender has a prior unrelated offense under this section.

As added by P.L.11-1994, SEC.7. Amended by P.L.33-1996, SEC.4; P.L.238-2001, SEC.11; P.L.116-2002, SEC.15; P.L.154-2003, SEC.1.

IC 5-2-12-10 Repealed

(Repealed by P.L.116-2002, SEC.29.)

IC 5-2-12-11

Repealed

(Repealed by P.L.116-2002, SEC.29.)

IC 5-2-12-12

Repealed

(Repealed by P.L.116-2002, SEC.29.)

IC 5-2-12-13

Sex offender; duty to register

Sec. 13. (a) Except as provided in subsections (b) and (c), an offender's duty to register under this chapter expires ten (10) years after the date the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last.

(b) An offender who is found to be a sexually violent predator by a court under IC 35-38-1-7.5(b) is required to register for life.

(c) An offender who is convicted of at least one (1) sex and violent offense that the offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) An offender who is convicted of at least one (1) sex and violent offense in which the offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) An offender who is convicted of at least two (2) unrelated sex and violent offenses is required to register for life.

As added by P.L.11-1994, SEC.7. Amended by P.L.63-1995, SEC.3; P.L.33-1996, SEC.6; P.L.56-1998, SEC.16; P.L.238-2001, SEC.13; P.L.116-2002, SEC.16; P.L.222-2003, SEC.1.

IC 5-2-12-14

Compacts with jurisdictions outside Indiana to exchange information regarding offenders

Sec. 14. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of an offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that an offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the sheriff of the county (or the police chief of the consolidated city) where the offender is required to register in Indiana of:

(1) the offender's name, date of relocation, and new address;
and

(2) the sex and violent offense or delinquent act committed by the offender.

As added by P.L.238-2001, SEC.14. Amended by P.L.116-2002, SEC.17.